REMARKS

Claims 1-14 are pending. Of these, claims 1, 3, 4, 5, 9 and 13 are independent.

§ 102 REJECTION – APA

On page 3 of the Office Action, claims 1-2 stand rejected under 35 U.S.C. §102(a), as being anticipated by Applicant's Admitted Prior Art (APA). This rejection is traversed.

In his rebuttal arguments (on page 2 of the Office Action), the Examiner explains his interpretation of the claimed phrase "in sequence continuity." In particular, the Examiner interprets the claimed phrase as broad enough to include logical continuity as well as physical continuity. Accordingly, the Examiner then reads the logical sense of "sequence continuity" upon the APA. Again, Applicant traverses.

The APA is concerned with consolidating or dividing selected partitions/nodes that are collected in a free link list depicted in FIG 2(a); see paragraph ("PGH") 3. If an object (that is to be allocated) is larger than every node in the link list, then two or more nodes in the link list are consolidated to produce an enlarged node as in FIG 2(b); see PGH 4. Alternatively, if an object (that is to be allocated) is smaller than every node in the free link list, then a node is divided into smaller (reduced) nodes as in FIG 2(c), where the node X has been split into nodes X1 and X2; see PGH 4.

The discussion of the APA provides no detail regarding how an object is allocated to an enlarged or a reduced node. Moreover, given that nodes are consolidated or divided to accommodate the size of an object, only one such object is described as being the subject of allocation. In other words, the APA does not allocate two or more objects to an enlarged or a reduced node.

A distinction over the APA of the allocating step recited in claim 1 is that the allocating is done via consecutive addressing so that the objects are allocated to contiguous locations in the memory block. Again, the APA is silent regarding how an object is allocated to a memory block, and also is silent with regard to allocating more than one object to a memory block.

Claim 2 depends from claim 1 and so at least similarly distinguishes over the APA.

Above, it has been explained how the APA fails to teach at least one element in each of the claims. Accordingly, the APA cannot be regarded as an anticipatory reference under §102. Thus, the rejection is improper and its withdrawal is requested.

§ 102 REJECTION – BURCH '320 PATENT

On page 4 of the Office Action, claims 1-2 stand rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 6,308,320 to Burch ("the Burch '320 patent"). This rejection is traversed.

Applicant will assume for the sake of argument that the Burch '320 patent discloses some manner by which an object can be allocated to a memory block. As established in Applicant's previous reply (filed July 10, 2006), the Burch '320 patent discloses almost nothing with regard to the word "sequence," some form of the word "sequential," and/or the word "order." There is nothing in the Burch '320 patent from which necessarily follows details of how an object is allocated to a memory block. Of course, a feature not literally present in a reference can be considered inherent to the reference only if the missing feature necessarily follows from what is literally disclosed.

A distinction over the Burch '320 patent of the allocating step recited in claim 1 is that the allocating is done via consecutive addressing so that the objects are allocated to contiguous

locations in the memory block. Given the silence of the Burch '320 patent regarding 'sequence,' 'sequential,' or 'order,' it would be unreasonable to assert that the above-noted distinction is inherent to the Burch '320 patent.

Above, it has been explained how the Burch '320 patent fails to teach at least one element in each of the claims. Accordingly, the Burch '320 patent cannot be regarded as an anticipatory reference under §102. Thus, the rejection is improper and its withdrawal is requested.

ALLOWABLE SUBJECT MATTER

Applicant is pleased to acknowledge that allowed claims 5-14 remain allowed.

Applicant is pleased to acknowledge the Examiner's indication that claims 3-4 remain allowable if rewritten in independent form. By this reply, Applicant has rewritten claims 3-4 into independent format, respectively.

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CONCLUSION

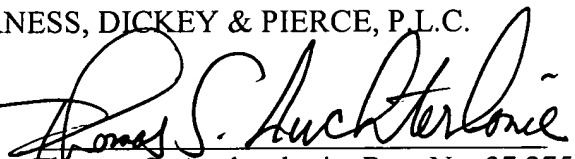
The issues raised in the Office Action are considered to be resolved. Accordingly, Applicant again requests a Notice of Allowance.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,

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